

# **EXHIBIT 10**

## Nunez: - Proposed Interim Protective Order

Scheiner, Alan (Law) <ascheine@law.nyc.gov>

Fri 6/9/2023 7:39 PM

To: Mary Lynne Werlwas <MLWerlwas@legal-aid.org>; Anna Friedberg <afriedberg@tillidgroup.com>; Katherine Haas <khaas@legal-aid.org>; Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Steve Martin <sjmart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>

Cc: Neufeld, Sheryl (Law) <sneufeld@law.nyc.gov>; Iodice, Ashley (Law) <aiodice@law.nyc.gov>; Shechtman, Paul (DOC) <Paul.Shechtman@doc.nyc.gov>; Hendy, Cherae <Cherae.Hendy@doc.nyc.gov>; Wolecki, Hilary <Hilary.Wolecki@doc.nyc.gov>; Kayla Simpson <KSimpson@legal-aid.org>; Debbie Greenberger <dgreenberger@ecbawm.com>; Jonathan S. Abady <jabady@ecbawm.com>; Vasudha Talla <vtalla@ecbawm.com>; Sana Mayat <smayat@ecbawm.com>; Brar, Jenu (Law) <jbrar@law.nyc.gov>; Khan, Mariam (LAW) <markhan@law.nyc.gov>; Mooklal, Stefan (LAW) <smooklal@law.nyc.gov>; Relkin, Rachel (Law) <rrelkin@law.nyc.gov>; Waite, Tisha (Law) <twait@law.nyc.gov>; Eshkenazi, Lara (USANYS) <Lara.Eshkenazi@usdoj.gov>

Counsel, After considering the impact of the recent disclosures, the City withdraws its law enforcement privilege objections as to the incidents except for Incident No. 3 (as designated in the City Report), as to which we are aware of no public disclosure being made. Therefore the attorneys-eyes-only protection in the draft Order would only be applied to Incident No. 3. For the same reason, we continue to assert Confidentiality under the Amended Protective Order as to all of the documents and information relating to Incident No. 3.

In addition, the confidential medical information contained in the produced materials, regardless of the Incident involved, remains protected under the applicable statutes, and therefore calls for Confidential designation under the Amended Protective Order. This medical information is contained not only in the CHS and hospital records, but is also contained in investigatory documents and the City Report. Therefore, the City maintains its Confidentiality designation under the Amended Protective Order as to the City Report and the produced materials as to all Incidents, unless the documents contain no medical information (but as noted above, the City asserts Confidentiality protection as to all of Incident No. 3, whether or not medical).

As before, the short time frame does not permit us to comb through the documents to make distinctions at this time, but we will endeavor to resolve any disputes as to particular documents as soon as possible.

Also, please note that many of the records contain personal identifying information for PICs and staff, which should be kept Confidential.

If you are prepared to consider a revised Interim Protective Order along the above lines, then I will circulate a revised draft for your review.

Thank you for your cooperation in this matter.

Sincerely, Alan

Alan H. Scheiner  
Senior Counsel  
Special Federal Litigation Division  
NYC Law Department  
100 Church Street, Rm. 3-177  
New York, New York 10007  
(212) 356-2344

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**From:** Scheiner, Alan (Law) <ascheine@law.nyc.gov>

**Sent:** Friday, June 9, 2023 5:52 PM

**To:** Werlwas, Mary Lynne <MLWerlwas@legal-aid.org>; Anna Friedberg <afriedberg@tillidgroup.com>; Katherine Haas <khaas@legal-aid.org>; Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Steve Martin <sjsmart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>

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**Subject:** Re: [EXTERNAL] RE: Nunez: - Proposed Interim Protective Order

I understand. We will advise as soon as possible on the City's position in light of the public disclosures.

Alan H. Scheiner  
Senior Counsel  
Special Federal Litigation Division  
NYC Law Department  
100 Church Street, Rm. 3-177  
New York, New York 10007  
(212) 356-2344

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**From:** Mary Lynne Werlwas <MLWerlwas@legal-aid.org>

**Sent:** Friday, June 9, 2023 5:42 PM

**To:** Scheiner, Alan (Law) <ascheine@law.nyc.gov>; Anna Friedberg <afriedberg@tillidgroup.com>; Katherine Haas <khaas@legal-aid.org>; Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Steve Martin <sjsmart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>

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**Subject:** Re: [EXTERNAL] RE: Nunez: - Proposed Interim Protective Order

Alan,

We did not know about the City's disclosures when we wrote to you at 2:41 p.m. agreeing to hold this information confidential pending a determination of the City's confidentiality and privilege claims. Clearly, the City has waived those claims as to the incidents disclosed to the media. We therefore withdraw our agreement in principle to hold those materials confidential, as the City plainly does not consider them confidential either.

We look forward to receiving the City's position and receiving these materials without delay.

Mary Lynne

**Mary Lynne Werlwas**

Director

Prisoners' Rights Project

Tel: 212-577-7981

she/her

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**From:** Scheiner, Alan (Law) <ascheine@law.nyc.gov>

**Sent:** Friday, June 9, 2023 4:57 PM

**To:** Anna Friedberg <afriedberg@tillidgroup.com>; Katherine Haas <khaas@legal-aid.org>; Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Steve Martin <sjmart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>

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**Subject:** Re: [EXTERNAL] RE: Nunez: - Proposed Interim Protective Order

Anna and Counsel, We are analyzing the effect of the disclosures on the privilege and confidentiality issues and will let you know our position as soon as possible. Thank you for your cooperation in this matter. Sincerely, Alan

Alan H. Scheiner

Senior Counsel

Special Federal Litigation Division

NYC Law Department

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**From:** Anna Friedberg <afriedberg@tillidgroup.com>

**Sent:** Friday, June 9, 2023 4:51 PM

**To:** Katherine Haas <khaas@legal-aid.org>; Scheiner, Alan (Law) <ascheine@law.nyc.gov>; Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Steve Martin <sjmart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>

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Dear Law Department Colleagues,

We request the City advise all Parties and the Monitoring team as soon as possible and no later than tomorrow, June 10, if it still intends to seek a protective order in light of the Mayor and Commissioner's disclosure of these matters in this media story: <https://www.amny.com/police-fire/rikers-island/exclusive-correction-commissioner-mayor-adams-show-rikers-island-security-videos-in-effort-to-counter-federal-monitors-claims-of-misdeeds/>.

Best,  
Anna

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Anna E. Friedberg

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**From:** Katherine Haas <khaas@legal-aid.org>

**Sent:** Friday, June 9, 2023 2:41 PM

**To:** Scheiner, Alan (Law) <ascheine@law.nyc.gov>; Anna Friedberg <afriedberg@tillidgroup.com>; Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Steve Martin <sjmart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>

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**Subject:** RE: Nunez: - Proposed Interim Protective Order

Hi Alan,

We have a few edits, which are tracked changes in the attached document. Let us know what you think.

Katie

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**From:** Scheiner, Alan (Law) <[ascheine@law.nyc.gov](mailto:ascheine@law.nyc.gov)>

**Sent:** Friday, June 9, 2023 7:33 AM

**To:** Katherine Haas <[khaas@legal-aid.org](mailto:khaas@legal-aid.org)>; Anna Friedberg <[afriedberg@tillidgroup.com](mailto:afriedberg@tillidgroup.com)>; Powell, Jeffrey K. (USANYS) 4 <[Jeffrey.Powell@usdoj.gov](mailto:Jeffrey.Powell@usdoj.gov)>; Steve Martin <[sjmart@sbcglobal.net](mailto:sjmart@sbcglobal.net)>; Nunez-NYC <[nunez-nyc@tillidgroup.com](mailto:nunez-nyc@tillidgroup.com)>